

EXHIBIT D

Todd Hill
41459 Almond Avenue
Palmdale CA, 93551

FILED
Superior Court Of California
County Of Los Angeles

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Sherri R. Carter, Executive Officer/Clerk
By B.N. Deputy
Brenda Navarro

**Superior Court of the State of California
For the County of Los Angeles**

Todd Hill, Pro Se

CASE NO. 22AVR000363

Plaintiff,

The Affidavit of Todd Hill

vs.

THE GUILD LAW SCHOOL dba
People's College of Law; Hector
Candelario Pena Ramirez aka Hector P.
Ramirez, aka Hector C. Pena; Christina
Marin Gonzalez, Esq. (#296857);
Robert Ira Spiro, Esq. (#67641); Juan
Manuel Sarinana, Esq. (321874); Prem
Sarin; David Bouffard; Joshua Gillens
(338662) DOES 1 through 100,
inclusive,

Defendants.

The term “Local Rules” means the “Los Angeles County Superior Court Rules.”

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Plaintiff, Todd Hill, who files this contends *infra*:

Allegations to All Causes of Action

1. Plaintiff, TODD HILL, is now and at all relevant times mentioned here was an individual, residing and working in the County of Los Angeles, State of California, and is the legally authorized and unlawfully “ousted” corporate Secretary of record for the Corporation of The Guild Law School dba People’s College of Law.
 - a. Plaintiff is a 3L student at the college explained in the “Factual Background” below.
2. Plaintiff is informed and on belief alleges that defendant The Guild Law School dba PEOPLE’S COLLEGE OF LAW (“PEOPLE’S COLLEGE OF LAW” or “the College”) is now and, at all relevant times mentioned here, was a California nonprofit corporation doing business at 660 S. BONNIE BRAE, LOS ANGELES in the County of LOS ANGELES. Thus, this Court is the proper Court for the trial of this action.
- 3.
4. Plaintiff is informed and believes, and on it alleges, that defendant GUILD LAW SCHOOL dba PEOPLE’S COLLEGE OF LAW, (“PEOPLE’S COLLEGE OF LAW”) is now, and at all relevant times mentioned here was, a company doing business at 660 S Bonnie Brae, Los Angeles, 90057. Therefore, this Court is the proper Court for the trial of this action. The claims as currently presented are grounded in California law and doctrine.

4. Plaintiff contends that defendant PEOPLE'S COLLEGE OF LAW, all named Defendants, and DOES 1-100 are now, and at all relevant times mentioned here were individuals, and one of the principal directors and operators of the Defendant PEOPLE'S COLLEGE OF LAW.

PEOPLE'S COLLEGE OF LAW's HQ and sole office is located at 660 S Bonnie Brae, Los Angeles, 90057. Thus this Court is the proper Court for the trial of this action.

Plaintiff asserts that the nature of the claims and statutory violations are such that they also confirm this Court as the bearer of subject matter jurisdiction as well.

Defendants are alter egos of or acting on behalf of the People's College of Law. organized as a California nonprofit corporation, were authorized by, and were acting on behalf of, Defendants PEOPLE'S COLLEGE OF LAW or Hector Pena, when the representations to Plaintiff alleged in this complaint were made.

5. Plaintiff is unaware of the true names or capacities, whether they are individuals or business entities, of Defendant DOES 1 through 100, inclusive, and sues them by such fictitious names. Plaintiff will seek leave of this Court to insert their true names and capacities once they have been learned.

6. Plaintiff is informed and believe and upon such information and belief alleges, that the named defendant(s) and DOES 1 through 100 inclusive, were, at all times here mentioned, authorized by each other to act, and did so act, as agents of each other, and all of these things alleged to have been done by them were done in the capacity of such agency. Upon information and belief, all Defendants are responsible in some manner for these events and are liable to Plaintiff for the damages it has incurred.

7. Plaintiff requests include Statement of Decision, Prayers for Declaratory and Injunctive Relief

Statement Of Decision Request

Rule 3, Section 1590 details rules and requirements for plaintiffs to request a statement of decision. Plaintiff makes the request for a Statement of Decision.

Hill seeks declaratory, injunctive and monetary relief from Defendants for False Advertising in violation of both the Lanham Act, 15 U.S.C. § 1125(a) and California Business and Professions Code §§ 17500 et seq., and for Unfair Competition in violation of California Business and Professions Code §§ 17200 et seq.

Hill's claims against Defendant stem from alleged misrepresentations of material significance, including that Defendant awarded students non-compliant units as defined under the California Private Postsecondary Education Act. Professors were unaware of this issue as well, and submitted class syllabi to the school for approval presuming that three units, and not two, was the design of the particular course.

Factual Background**Introducing the Guild Law School dba People's College of Law****Fraud, Misrepresentation & Failure To Disclose A Material Fact**

Plaintiff began attending People's College of Law in the Fall of 2019. Before entry and initial payment, Plaintiff was notified that the school had recently moved to the "quarter" system for classes. Sometime between receiving notification of passing the required "First Year Law School Examination", required by the California State Bar for future admission and the "recognized" grant of credit, Plaintiff saw what he first believed was simply an "accounting" error; he was issued two ("2") units instead of the statutorily mandated three ("3") units. In essence, in this aspect of the school's performance, students received only 2/3rds of the statutorily required "benefit of the bargain" for classes under the quarter system.

Not only does student receive fewer units, but student is also burdened with explaining this unlawful approach to other institutions the student seeks to transfer to or otherwise interact with academically, an explanation detailing failure to comply with the law.

CalBar charges a \$100 fee to review how much credit will be offered from programs to determine eligibility to sit for the Bar. Plaintiff must use this

Standing

Plaintiff asserts standing to assert this cause of action; the requirements are met due to the following:

Plaintiff has privity as a duly elected Board Member, Secretary of the Corporation currently ousted by ultra vires act and false Statement of Information filing to the State of California, in that the Board, its agents, and assignees did not use the bylaws, the courts, nor due process to achieve the change; no lawful means was used to change the comport of the organization.

College bylaws require “due process” in the management of election issues as well as student issues as they arise between due process consists at least of notice and the opportunity to be heard.

Plaintiff is also a paying student going to law school with the expectation of an experience that, at the very least, complies with the law and the spirit of the “benefit of the bargain”.

Mr. Hill endured interference with his ability to take classes, harassment, slander, libel per se, and unlawful ousting without due process banned from fulfilling his obligations as a Board Member.

Prayer For Relief

Plaintiff petitions the Court seeking relief and remedy in filing petition for a writ of mandate; a complaint for common law, declaratory and injunctive relief against the Guild Law School, dba People’s College of Law (“PEOPLE’S COLLEGE OF LAW” or “the College”), past and present Dean’s and Presidents of the college as well as it’s current “Community Board” which was instantiated via ultra vires action.

Plaintiff asserts multiple attempts, and successes, by the Defendants to interfere with movants attempts as a lawfully authorized student Board Member and Secretary of the Corporation to bring the college into compliance with the law and regulatory requirements for operation.

Multiple successful attempts at business interference, in this case, delaying the receipt of a response from the California State Bar Association, the statutory monopoly set up to set judicial policy and regulate law schools with programs suitable to allow for testing after completion of the work.

Specifically, both then College President Christina Gonzalez and Dean Ira Spiro, in a call ostensibly to see if I “represented the College” conveyed the false information that my inquiry was a “student inquiry.” I had prior indicated my attempts a redemption

Plaintiff further prays for the appointment of a Trustee or Guardian Ad Litem to oversee new and timely elections as well as oversee a full and audited accounting, in accord with both California statute and PEOPLE’S COLLEGE OF LAW’s Bylaws.

Recovery Of Personal Property Via Disgorgement Or Appropriate Mechanism

Quantum Meruit For Services Performed Under Deceptive Practice;

Restoration Of Funds Due To Improper Conveyance; Punitive Damages

Under circumstances described below, Plaintiff asserts that Plaintiff reasonably and in good faith paid moneys not owed, in the sum of \$7934 said sum included the total amount of \$5000 (\$5600 minus 40-hour volunteer commitments that yields a theoretical \$600 discount).

Plaintiff Has Paid Sums Not Legitimately Owed Or Demonstrated Owed In Good Faith And Mitigation

Plaintiff claims personal injury.

Plaintiff asserts that he owed no such sums because Cal Bar Guidelines renders it unlawful to charge when Defendants “know or should have known” they were in “non-compliant” status and had a duty to know.

As detailed extensively below, Defendants had a duty to know and in fact knew or should have known

Plaintiff paid such sum in good faith on the promise of receiving a later accounting and appropriate credit (again before adjudication of the facts or Cal Bar response) to both mitigate his damages, and in the case that Plaintiff was wrong, pay what plaintiff fairly owed.

Todd devoted over 300 hours to PEOPLE'S COLLEGE OF LAW from 2019 until today: hosting study sessions every Saturday for 38 weeks, board meeting attendance, installation, student, and teacher training and support for the Microsoft Teams platform, which included working with Microsoft and various providers.

Defendants breached (again!) and reneged upon the pro rata grant advertised in their online materials, discussed at various times in meetings hosted by the college, detailed inaccurately in the bill detailing charges and credits (see Exhibit B) AND expressly promised to the Plaintiff in consideration for leverage to apply further "extortionary" pressure in a monumental showing of bad faith.

Plaintiff has written correspondence acknowledging completion of the hours. So much time was spent on this project that the Board at that time authorized a \$600 additional "payment" as a student work-study project. Payment was never issued and the "applied" discounts have been reneged upon by the Defendants.

Plaintiff, to his detriment and the unjust enrichment of the Defendant's, has performed estimates here that a similar installation in the private sector for a similar institution would cost \$70,000 - \$95,000.

Moral Turpitude Of Defendants In Fraudulent Conveyance

Courts in other jurisdictions have similarly concluded that lawyers can violate disciplinary rules by facilitating fraudulent conveyances or fraudulently conveying property themselves. See, e.g., *In re Morris*, No. 11–O–13518, 2013 WL 6598701, at *1 (Cal.Bar Ct. Dec. 4, 2013) (unpublished opinion) (finding lawyer violated rule prohibiting moral turpitude, dishonesty, and corruption by assisting a client in creating promissory notes and recording deeds of trust to delay a creditor's collection of its judgment);

Plaintiff Requests That The Court Grant Compensatory Damages Consistent With Its Findings As Well As Court Costs And Any Statutory Amounts Or Modifiers Included.

Ultra vires conduct is conduct that is beyond the power of the corporation, not an individual director. (See *McDermott v. Bear Film Co.* (1963) 219 Cal.App.2d 607, 610-611 [“In its true sense the phrase ultra vires describes action which is beyond the purpose or power of the corporation.”]; *Sammis v. Stafford* (1996) 48 Cal.App.4th 1935, 1942 [“If, however, the director’s act was within the corporate powers, but was performed without authority or in an unauthorized manner, the act is not ultra vires.”].) (*Palm Springs Villas v. Parth.*)

Director Liability. Individual directors who act without authority may become personally liable for those actions. For example, when the board decides against hiring a particular landscape company and the president signs the contract anyway, the president may lose the protections of the Business Judgment Rule and be personally liable for his acts. Although the contract may be voidable by the association, the president may be personally liable for any damages suffered by the association.

Plaintiff Asks The Inclusion Of \$750,000 To Be Put In Trust For The Same Purpose As The Original Purpose Of The Guild School Of Law.

PLAINTIFF’S HAZING AT THE HANDS OF DEFENDANTS WAS SO SEVERE,
PLAINTIFF SOUGHT TREATMENT FOR ANXIETY AND DEPRESSION

PLAINTIFF REQUESTS THAT THE COURT GRANT PUNITIVE DAMAGES UNDER
ITS FINDINGS IN THE AMOUNT OF \$2.95 MILLION DOLLARS TO BE PUT IN
TRUST FOR THE SAME PURPOSE AS THE ORIGINAL PURPOSE OF THE GUILD
SCHOOL OF LAW.

The acts committed by the Defendants are alarming and meet the criteria for reprehensibility. The conduct has been ongoing for years; the innumerable breaches of fiduciary and civil duties co-requisite with the tortious acts enumerated here cannot be adequately expressed in the few pages taken here in recount.

Plaintiff contends the likely criminal activities of the bad actors [a magistrate under California Penal Code 1528 found probable cause and issued a search warrant, the conduct performed by

sophisticated actors willfully and continuously with malice...attorneys, those with Juris Doctorates, and students in a legal program designed to confer a Juris Doctorate].

California Penal Code 1528 — Issuance; magistrate satisfied as to grounds; formalities; command; duplicate original warrant. (“(a) If the magistrate is thereupon satisfied of the existence of the grounds of the application, or that there is probable cause to believe their existence, he or she must issue a search warrant, signed by him or her with his or her name of office, to a peace officer in his or her county, commanding him or her forthwith to search the person or place named for the property or things or person or persons specified, and to retain the property or things in his or her custody subject to order of the court as provided by [California Penal Code] Section 1536.”

Generally, where one would ordinarily expect to pay for the performance of a job but then the beneficiary of the bargain reneges, or at least “assumed it was out of the kindness of one’s heart and cites recent financial woes.” In this case, the work performed was garnered under “false pretenses, misrepresentation, and fraud.

The solution proposed here is not only within the mandate and authority of the court, it is all the more appealing because a “de novo” trust and trustee(s) as a “check and balance” for Corporate compliance and responsibility without placing “undue burden” on the Court nor the need for long term oversight.

A critical path to this approach is to prevent manifest injustice, cloaked in “the false flag” of social advocacy, from ever recurring at the school while maximizing the support of the wonderful teachers, universally volunteer or solely receiving continuing education credits, and students.

PLAINTIFF PRAYS FOR CONSEQUENTIAL DAMAGES

SUMMARY OF CLAIMS

The issues before the Bar include, but may not be limited to and thus plaintiff prays for patience to amend if found lacking:

ENFORCEMENT OF DEMAND FOR PRODUCTION OF DOCUMENTS; PEOPLES COLLEGE OF LAW NEEDS TO PROVIDE MR. TODD HILL WITH THE MINUTES OF

THEIR BOARD MEETINGS, THE ZOOM RECORDINGS BY FORMER PRESIDENT CHRISTINA GONZALEZ, AND THE ACCOUNTING BOOKS

Under

Here Plaintiff has under color of state law, member the college's Community Board and Secretary of the Corporation, issued a Demand for the Production of Documents with all later notices required proffered timely . Generally, ten days is considered a reasonable time, unless some attempt is made to make alternative arrangements or assert privilege.

Here, neither a suggestion for alternative arrangements nor a claim of privilege nor excuse has been made in response to my request. To date I have received nothing resembling an appropriate response to this demand. No response has been tendered.

PLAINTIFF PRAYS FOR AN INJUNCTION TO PREVENT ACTS OF RETALIATION IN ANY FORM, EVEN UNDER THE GUISE OF COLLEGE "POLICY"

California Code of Civil Procedure ("CCP") §527 governs temporary restraining orders in California.

Additionally, the rules for ex parte applications, including ex parte TROs, are set out in California Rule of Court ("CRC") 3.1150 and 3.1200–3.1207.

versions and on the internet at the California State Legislature's website in unannotated form.

Plaintiff has shown good cause and met the appropriate burden for the issuance of an injunction to prevent the application of PEOPLE'S COLLEGE OF LAW Bylaws 16-16.6, PEOPLE'S COLLEGE OF LAW student handbook rules 1.1.13. & 1.1.14 or any internal processes that PEOPLE'S COLLEGE OF LAW may create, adopt, or engage in to subsequently eject, expel, or otherwise remove Todd Hill from the institution as a student or PEOPLE'S COLLEGE OF LAW Board member.

PEOPLE'S COLLEGE OF LAW has recently devised a series of rules to punish and expel him from the educational institution. Student Handbook Rule 1.1.13 & 1.1.14 was created

early November 2021, via ultra vires act, by the PEOPLE'S COLLEGE OF LAW Board to retaliate against the Plaintiff & prevent him from giving notice to the California Bar about PEOPLE'S COLLEGE OF LAW's lack of compliance as well as evade disgorgement to the end of the fraudulent diversion of funds owed to the Plaintiff

As described in this pleading, other members of the PEOPLE'S COLLEGE OF LAW community have attempted to use the internal grievance system legitimately; all have failed to receive a proper response.

Many of these rules plaintiff asserts PEOPLE'S COLLEGE OF LAW, its administrators, agents, officers, and directors have broken in a relentless attempt to harass, discredit and malign him into acquiescence. The rules reference "proper PEOPLE'S COLLEGE OF LAW channels", sham language meant to imply to outsiders that the school is run in accord with California law, the Colleges own student policies and bylaws, or to what would normally be considered by statute "the minimal standards of a postsecondary school."

PLAINTIFF SEEKS CRIMINAL REFERRAL AND DIRECT REFERRAL TO STATE BAR FOR DISCIPLINARY ACTION WHERE COURT FINDS SUFFICIENT CAUSE TO DO SO

WAS THEIR A PC 632 VIOLATION? IF SO, DID THE VIOLATION RISE TO THE LEVEL OF CRIMINAL CULPABILITY?

Plaintiff's, as well as PEOPLE'S COLLEGE OF LAW as an entity, rights were criminally violated when, during a contentious Board meeting conducted via Zoom, after multiple prior warnings and a duty to refrain from conduct that raises the specter of liability, without notice or vote, decided to record the meeting.

Plaintiff makes no definitive assertion of motive, although plaintiff believes it was in an attempt to "trigger" the plaintiff to capture him in a false light to discredit Todd and continue the tortious scheme.

Defendants Hector Pena, Christina Gonzalez, and Ira Spiro have justified this conduct with an attempt to “confuse” other Community members by claiming that Plaintiff “consented by staying on the call” because a pop-up showing that by staying on the call you agree to Zoom’s “Terms of Service.” and suggesting that my behavior justified the act.

Legal conduct never justifies, i.e., voids culpability, for illegal conduct performed in response.

The implication here is that a “pop-up” that references consent to the “Terms of Service”, which incidentally prohibits the Defendants conduct, would be a viable affirmative defense civil contract can s

Criminal conduct in response to legal conduct is never justified.

The gist of the misinformation by Ira and Christina, experienced attorneys, and Hector, an individual with a J.D. relates to the separation between civil and criminal doctrine, or that civil contracts with third cannot assignor delegate sovereign-assigned criminal culpability.

In an effort to defend the indefensible, not only did they misrepresent the facts to the Community but to the newly entering 1L cohort. Law school officers have a duty to obey the law and adequately communicate the law; to intentionally misrepresent the facts creates the real possibility that one of our students repeats similar behavior to others.

People’s College of Law might argue that it is every individual’s responsibility to know the law as circumstance may bring about the need for application and it is reasonably foreseeable that the law may have changed or that the information you received was incorrect.

People’s College of Law acted irresponsibly, as did Christina, Ira, and Hector.

ARGUMENT FOR APPROPRIATENESS OF SUMMARY ADJUDICATION

The Elements of Declaratory Relief. The grounds for a cause of action for declaratory relief are codified in Code of Civil Procedure § 1060, which provides in part as follows: Any person interested under a written instrument, . . . or under a contract, or who desires a declaration of his or her rights or duties with respect to another, . . . may, in cases of actual controversy relating to the legal rights and duties of the respective parties, bring an original action or cross-complaint in the superior court . . . for a declaration of his or her rights . . . He or she may ask for a declaration of rights or duties, either alone or with other relief; and the court may make a binding declaration

of these rights and duties, whether further relief is or could be claimed at the time. The declaration may be either affirmative or negative in form and effect, and the declaration shall have the force of a final judgment. Code of Civil Procedure § 1060 (emphasis added). Code of Civil Procedure § 1062 specifically provides that declaratory relief is a cumulative remedy, which does not restrict any other remedy to which the party may be entitled, nor preclude any additional relief based on the same facts. Code of Civil Procedure § 1062; see also *Venice Town Council, Inc. v. City of Los Angeles*, supra, 47 Cal.App.4th at 1565-66 (although cause of action for declaratory relief was potentially cumulative to other relief, allegations were sufficient to entitle plaintiffs to relief); *Californians for Native Salmon and Steelhead Association v. Department of Forestry*, supra, 221 Cal.App.3d at 1429 (declaratory relief is a cumulative remedy). There is essentially only one element to a declaratory relief cause of action – "the existence of an actual, present controversy over a proper subject." *Californians for Native Salmon and Steelhead Association*, supra, 221 Cal.App.3d at 1426, citing 5 Witkin, *Cal. Procedure* (3d ed. 1985), Pleading, §811.

The standard courts apply in determining whether declaratory relief is appropriate was summarized in *Redwood Coast Watersheds Alliance v. State Board of Forestry & Fire Protection*, 70 Cal.App.4th 962 (1999): The standard for the granting of declaratory relief is well established. '[T]he controversy must be of a character which admits of specific and conclusive relief by judgment within the field of judicial determination, as distinguished from an advisory opinion upon a particular or hypothetical state of facts. The judgment must decree, and not suggest, what the parties may or may not do.' *Id.* at 968, quoting *Zetterberg v. State Dept. of Public Health*, 43 Cal.App.3d 657, 661-662 (1974).

"Declaratory relief must be granted when the facts justifying that course are sufficiently alleged. Any doubt should be resolved in favor of granting declaratory relief." *Venice Town Council, Inc.*, supra, 47 Cal.App.4th at 1565; *Californians for Native Salmon*, supra, 221 Cal.App.3d at 1427 (declaratory relief must be granted when the facts justifying relief are sufficiently alleged; "any doubt should be resolved in favor of granting declaratory relief").

Declaratory relief is an equitable remedy and is "unusual in that it may be brought to determine and declare rights before any actual invasion of those rights has occurred." *Californians for Native Salmon*, 221 Cal.App.3d at 1426 (citations omitted).

It is well-established that "[a] controversy over an interpretation of a statute, and the duties that statute imposes, is a proper basis for a declaratory relief claim." *Redwood Coast Watersheds Alliance*, supra, 70 Cal.App.4th at 969. See also *Venice Town Council*, 47 Cal.App.4th at 1566 ("The proper interpretation of a statute is a particularly appropriate subject for judicial resolution."); *Californians for Native Salmon*, 221 Cal.App.3d at 1426 ("Declaratory relief is appropriate to obtain judicial clarification of the parties' rights and obligations under applicable law."). The interpretation of rights and duties under a contract is also a proper subject for declaratory relief. Code Civ. Proc. § 1060; *Southern California Edison Co. v. Superior Court*, 37 Cal.App.4th 839, 846-47 (1995). A declaratory relief cause of action may be properly resolved on a motion for summary adjudication. *Southern California Edison Co. v. Superior Court*, supra, 37 Cal.App.4th at 846. The fact that the cause of action raises the same issues that are involved in other causes of action does not bar summary adjudication. *Id.*, at 846-47.

PLAINTIFF IS ENTITLED TO A DECLARATION THAT CLASSES WERE, IN FACT, EQUIVALENT TO 3 UNITS UNDER THE LAW

The Defendants

Did Hector, Christina, Ira, and the other members of the Board have a duty?

All members had a duty to inquire

Some members had a duty to inform

Plaintiff has explained that consent was never granted, but if there remains a question it is for the "trier of fact" to resolve.

Plaintiff argues that under current California statute, Plaintiff's complaint satisfies all of the requirements for both criminal privacy violation and the Court's requirement to grant movant the civil remedy(ies) made available to civil plaintiffs, in that, during a meeting of distinct and private membership to join the Board, without asking, Christina Gonzalez elected to record

the Boards conversation, without authority or any express request for consent; when Plaintiff objected, he was bullied and unlawfully ejected from the call, blatant interference with his duties and obligations, as well as exposing him to UNKNOWN liabilities.

Hector Pena collaborated with parties to unlawfully and in ultra vires fashion prevent me from speaking in meetings by libel and trick, even going so far as to

Plaintiff has reasonable cause to believe that Prem Sarin has used the control functions he has access to for Zoom to interrupt and interfere with my class attendance within a week of this pleading.

Dean Emeritus Ira Spiro has worked in concert with Christina and Hector to marginalize, suppress and silence those students with complaints or questions related to real issues and has apparently worked tacitly with Natalie Leonard at the State Bar for years in burying student grievances and maintaining the “status quo” for the predatory mill PEOPLE’S COLLEGE OF LAW has now become.

Dean Juan Sarinana has answered no student inquiry, nor has he apparently performed any of his duties related to this matter from Plaintiff’s perspective. Under the Cal Bar guidelines applicable to PEOPLE’S COLLEGE OF LAW, a competent Dean with sufficient time to deal with issues, including student grievances, is a requirement for compliance. Failure to act when one has a duty to do so remains culpable conduct.

Plaintiff states the above specific claims and acts against Defendants to establish particularity; it is not intended as “complete” list of culpable acts, and Plaintiff reserves the right to amend as additional facts become available.

In addition, and as iterated elsewhere, all Defendants stand in violation of a lawfully issued Demand for the production of documents; if not in their individual possession, Defendants still had a duty to make best effort to provide the documents. There is no evidence before the Plaintiff that conveys any actual, good faith, effort to produce documents, even in the case in which Defendants have a duty to do so.

SHAM LANGUAGE USED TO CONCEAL DECEIT AND A PATTERN AND PRACTICE OF HARASSMENT OBSCURES NON-EXISTENT STUDENT PROTECTIONS

Sham language, e.g., “proper channels” or a referral to an ineffectual “committee” with as few as 1 ineffectual member is consistently used to imply that the administration has disciplinary and other protective measures, when as a pattern and practice it has in reality deceptively solicited “work” from students or “underpaid and overworked” registrars (who must by Cal Bar policy have Juris Doctorates) who are inevitably harassed until they are silenced or “run out of town” when they realize that the administration is, in fact, corrupt.

As recently as 3/15/2022, Defendants David Bouffard, Hector Pena, and Prem Sarin have worked in unison for unknown motive to impede Plaintiff’s efforts to help bring the institution into compliance.

Defendants, counter to law, school policy, and any sense of decency, have withheld transcripts requested by the Bar to assess how much “credit” they would give Plaintiff for my education so

Defendants will likely argue the difficulty of “operating a volunteer organization with only one employee” to deflect from taking a deeper dive into the circumstances of management and operation of the organization itself.

Whatever the excuse, it is inadequate

PLAINTIFF ACKNOWLEDGES THAT A COLLEGE WITHOUT A STUDENT GRIEVANCE LIKELY IS A COLLEGE WITHOUT STUDENTS, BUT HERE.....

Rule 4.200 authorizes by law The Committee of Bar Examiners (“the Committee”) is authorized by law to register, oversee, and regulate unaccredited law schools in California. adopted effective January 1, 2008.

Rule 4.201 What these rules are

(A) A law school conducting business in California must register with the Committee and comply with these rules and other applicable law unless otherwise exempt.

(B) These rules have been approved by the Committee and adopted by the Board of Trustees as part of the Rules of the State Bar of California and may be amended

in accordance with State Bar rules.

(C) These rules do not apply to law schools accredited by the Committee, law schools approved by the American Bar Association, paralegal programs, undergraduate legal degree programs, or other legal studies programs that do not lead to a professional degree in law. The appropriate legal entity must approve such programs, even if they are offered by an accredited, approved, or registered law school or an institution of which it is a part.

Rule 4.201 adopted effective January 1, 2008; amended effective January 1, 2012.

WAS THERE A PATTERN AND PRACTICE OF IGNORING STUDENT GRIEVANCES?

For the reasons discussed below, Plaintiff asserts sufficient

PEOPLE'S COLLEGE OF LAW has a long history of student grievance, arising to the level of legal filing; most recently a claim related to election "shenanigans" ended in a dismissal and settlement. Many defendants of that case in which they supported fair elections conducted in accord with the Bylaws of the Corporation are defendants here culpable for conduct they would likely once claim to abhor.

On May 5, 2021, Kevin Clinton informed Christina Gonzalez upon her request, the President from January 17- November 14, 2021, the root of his conflict with the Dean of PEOPLE'S COLLEGE OF LAW at the time, Ira Spiro. Christina offered mediation, which Kevin knew was an explicit student handbook 2.1 remedy and presumed that she had taken the information and accepted it as a formal grievance. Kevin rejected the remedy and chose student handbook remedy 2.8 (Formal Censure) or 2.11 (Monetary penalty). Upon this request, Christina ceased speaking to Kevin on the matter and told him to file a grievance. Kevin interpreted this action as burying the grievance and that as President she gave an offer to establish a grievance process and upon not getting the answer, she wanted refused to carry it forward to the PEOPLE'S COLLEGE OF LAW Board. This grievance was about ongoing harassment Kevin received after Kevin prevented Ira from fixing and meddling in the PEOPLE'S COLLEGE OF LAW Board election of 2020.

On July 17, 2021, Kevin Clinton filed a grievance against Hector Pena, the current PEOPLE'S COLLEGE OF LAW president, and to this day has yet to receive response, notice, other affirmative action or follow up. This grievance was about retaliation faced from Hector Pena after Kevin prevented Hector from fixing the PEOPLE'S COLLEGE OF LAW Board election of 2020, Hector's violation of student privacy where Hector asked about a student's romantic status because her partner transferred out of PEOPLE'S COLLEGE OF LAW, and ongoing harassment by Hector of Kevin Clinton within the PEOPLE'S COLLEGE OF LAW community. Most recently, Kevin was notified by the non-elected PEOPLE'S COLLEGE OF LAW Board member Prem Sarin, that the PEOPLE'S COLLEGE OF LAW board was having conversations about him with student board members in violation of student privacy policy, Student Handbook XVI.

CONSPIRACY; FRAUD; MISREPRESENTATION; UNFAIR BUSINESS PRACTICES AND ACTS IN VIOLATION OF THE UNFAIR COMPETITION LAW (UCL) AND FRAUD; BREACH OF CONTRACT; NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS; INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS; CONVERSION; EXTORTION; BAD FAITH.

1. Knew or should have known that school was out of compliance; in fact, plaintiff exhibits include definitive proof of this knowledge and the attempt to hide it by current and former members of the Administration, including Christina Gonzalez, Ira Spiro, Hector C. Pena and Juan Sarinana.
2. Knew or should have known the school cannot charge fees in non-compliant status. Defendants also had a duty to report issues re noncompliance to Board Members, students and those entities for which statute imposes a notice or other reporting requirement, including, but not limited to Director's and Officer's Insurance, Mandatory notices to Students and Cal Bar. Defendants failed to comport their conduct with their Fiduciary and other Statutory obligations, by failing in their duty to inform for deceit, and later to hold captive the students they had a duty to educate and protect; intentionally interfering with Plaintiff's statutory and fiduciary obligations to make inquiry and investigate issues that arise and appear worthy of

further investigation; libel and defamation in public communications implying that Plaintiff “does not have the same values as PEOPLE’S COLLEGE OF LAW” or that Plaintiff’s behavior in meetings was “out of control” or other “gaslighting” statements, often false, or outright lies.

3. Created contracts and collected fees anyway. Most recently an additional, factually insupportable, demand for \$1866.00. When asked for verification and proof of debt, organization responded with the threat, executed yesterday, of blockage from classes. Law students are required to attend 80% of classes, for PEOPLE’S COLLEGE OF LAW’s quarter system is 8 of 10 classes, to receive credit for the class. Even were one to “ace the final”, if they miss three classes in a course they must “retake the course.”

PEOPLE’S COLLEGE OF LAW’s mission is to focus on legal access to “underrepresented” communities; members of these communities tend to be at greater risk from even the unsophisticated; here, when a person fell behind on their payments they were offered a “payment contract” under terms defined to give the contract the legal appearance of a “four-corners” de novo contract.

It would be difficult, at best, to fight parol evidence doctrine for any aggrieved plaintiff. Plaintiff asserts this practice was unconscionable. Given the likely higher standard applied to the actors here, as attorneys, juris doctors

But use of the contracts as leverage was key here; a contract was another tool to keep students “locked in”, ensuring Board approval required you to be in the good graces of the Defendants.

a. PEOPLE’S COLLEGE OF LAW barred from **Production of “Account”**:

Pursuant to California Code of Civil Procedure section 454, “[i]t is not necessary for a party to set forth in a pleading the items of an account therein alleged, but he must deliver to the adverse party, within ten days after a demand thereof in writing, a copy of the account, or be precluded from giving evidence thereof.

The court or judge thereof may order a further account when the one delivered is too general, or is defective in any particular.”

Upon a demand made for payment under similar circumstances and explicit protest, plaintiff paid to Defendants the sum of \$7,934.00

4. Installed a "poison pill" to illegally retain students that successfully passed the FYLSX, issuing two units for classes that EVERY OTHER institution in the State awards 3 units for; 1/3 the units results in the net loss of credits they should have earned; in addition, other institutions set a "minimum number of units" for degree qualification; obviously, a PEOPLE'S COLLEGE OF LAW student receiving 2/3rd the units for the "equivalent coursework" is unfair, unconscionable, and illegal.

5. Recruited students, board members, and officers of the Corporation without disclosing the material differences in the units awarded.

5. Defendants lied, misrepresented, obstructed and otherwise attempted to confuse and confuse those whom they have likely victimized.

6. Defendants targeted, bullied, harassed, threatened, gaslighted, and defamed and other when convenient to the pursuit of unlawful, and likely criminal, purpose.

7. In abject defiance to Defendant's fiduciary responsibilities and duty of loyalty, Defendant's have filed a fraudulent Statement of Information to the Secretary of State, failed to hold fair elections consistent with the mandates of the Bylaws and the, allowing corporate officers to expel duly elected board members without due process.

8. Then, when students fell behind they had to sign a contract, avoiding some of their rights but, of likely greater import to the Defendants, adding another layer of obfuscation to their unconscionable conduct.

9. The "Administration" of PEOPLE'S COLLEGE OF LAW persists in direct violation of duty and law, knowing they are caught, compounding the lawlessness, lack of remorse and willingness to attack their own students who bring lawful complaints in good faith to flee in avoidance of further and future damages resulting from consequences of their misconduct.

10. Extorted moneys known to be in dispute, then further attempted to extort moneys they knew or should have known was not due.

College President, Hector Pena, Treasurer David Bouffard and Secretary Prem Sarin, Ira Spiro, Christina Gonzalez, Josh Gillens, and other Community Members and Members of the Community Board had constructive notice of the facts, and worked in determined and concerted fashion,

Because a civil quorum voting to engage in unlawful conduct cannot exculpate the individual from any corporate or personal liability for the foreseeable consequences of such acts conducted in bad faith, Plaintiff re-asserts earlier supposition that all parties named in the complaint bear some culpability for their action or, where duty demanded otherwise, inaction.

A. Cali. Civ. Code 19 states, “Every person who has actual notice of circumstances sufficient to put a prudent person upon inquiry as to a particular fact has constructive notice of the fact itself in all cases in which, by prosecuting such inquiry, he or she might have learned that fact.”

Ca. Civ. Code § 19

PEOPLE’S COLLEGE OF LAW, its agents, directors, and officers were all aware that plaintiffs demand for an accounting went unanswered; no effort was made to give an accounting beyond detailing the “bank balances”, which for auditory purpose is useless and fails to meet the statutorily required records production plain language interpretation.

All Named Parties Had A Duty To Inquire

All parties had a duty to inquire together with any other statutorily assigned obligations attached to their respective roles. Pursuant to the California Corporations Code (the “CCC”), the board of directors “exercises, or directs the exercise of, all corporate powers, subject to member approval where required.” (Code §§5120, 7210, 9210)

Generally, the authority of the board is tempered by the fact that all decisions are made collectively by all members of the board. In addition, all decisions of the members of the board are made considering four primary fiduciary duties owed by all directors to the

organizations they serve. Those duties are as follows: (1) the duty of care; (2) the duty of inquiry; (3) the duty of loyalty; and (4) the duty to follow investment standards.

I. The Duty of Care.

The standard of conduct for directors of nonprofit public benefit corporations is set forth in Code §5231(a), which provides as follows: “A director shall perform the duties of a director, including duties as a member of any committee of the board upon which the director may serve, in good faith, in a manner such director believes to be in the best interests of the corporation, and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.”

II. Duty of Inquiry.

The director’s obligation to make reasonable inquiry is derived from Code §5231. This duty provides that directors cannot close their eyes to the activities of the organization and, if they are put on notice by the presence of suspicious circumstances, they may be required to make such reasonable inquiry as an ordinarily prudent person would make under similar circumstances. In fulfilling their duty of inquiry, directors may obtain the services of and rely upon opinions, reports or other information prepared or presented by any of the following:

One or more officers or employees of the corporation whom the directors believe to be reliable and competent in the matters presented;

Counsel, independent accountants, or other persons on matters which the director believes to be within such person’s professional or expert competence; and

A committee of the board upon which the director does not serve, as to matters within the committee’s designated authority, which committee the director believes to merit confidence. If a director has a reason to doubt information that he/she is being supplied, the director owes

a fiduciary duty to inquire further into those matters. Such duty may be exercised by the board through the retention of experts to assist the directors in verifying the information supplied, obtaining additional information, and analyzing the matters to which the information pertains.

III. Duty of Loyalty.

Directors must act in a manner that they believe to be in the best interest of the corporation. (Code §§5231, 7231, 9241) Where the organization does not have a membership that is served by the organization, the directors must strive to advance the organization's charitable purposes. The duty of loyalty includes a duty to avoid conflicts of interest between the directors individually and the corporation.

IV. Duty to Follow Investment Standards.

This fiduciary duty applies to investment assets held by public benefit corporations, the assets of which are held in charitable trust. Code §5240 sets forth the following applicable standards:

Avoid speculation, looking instead to the permanent disposition of the funds, considering the probable income, as well as the probable safety of the corporation's capital;

Comply with additional standards, if any, imposed by the corporation's articles, bylaws, or the express terms of an instrument or agreement pursuant to which the assets were contributed to the corporation;

and

In carrying out their investment duties, a director must comply with the duties of due care and reasonable inquiry, may rely upon others, and may delegate its investment powers as permitted by Code §5210.

In addition to the duties mentioned above, directors of applicable organizations are obligated to use funds and assets, including but not limited to endowment funds, in accordance with the provisions of the Uniform Prudent Management of Institutional Funds Act (“UPMIFA”). (California Probate Code §§18501-18510)

For example, cases have arisen (Enron) where the majority of the Board was accused of fraud; the duty is so defined that concerted activity by a Board does not relieve any individual Board Member of the individual duties defined below.

How can you not be aware of this point of fact and still insist that you are qualified to inform me of my role in this case, or any other?

I am completely aghast at the constant misrepresentations of fact, capriciously asserted definitions that fail to capture the facts, and the simple obstinacy to correct something that obviously is not right.

NO COMMENTARY ON THE SUBSTANCE OF THE INTERROGATORY TO THE BAR

Oddly, no one has commented in the substance of the questions, just what appears from my perspective every effort to deflect and avoid a clear a simple resolution that is in the best interests of the student community we ostensibly serve.

From my perspective, this seems to indicate a lack of will on the part of the Board, barring perhaps issues that I am unaware, but would reasonably have a duty to uncover.

Please take to review the relevant sections of the code. The Bar of course can decide how they will or will not process my request; that said, i will clarify the context of the request for accountability and posterity.

Plaintiff cannot readily supply a reason trying to block data reasonably available for free under a PRA request. My current understanding is that deviations/major changes are not matters for sealed adjudication by the Bar.

Communications Invoked Under The Duty Of Inquiry Are Official Communications.

Goes without saying, if the Board Member suspects that the information they are receiving is not correct, they have a duty to confirm.

This would have been easily resolved had Nathalie chosen to confirm your memorialization. Since she has not chosen to do so on more than one occassion, it begs the question, does it not?

Defendant Preys On A Class Individuals

Here, defendants recruit students to be members of the corporation by fraud and misrepresentation including failure to disclose material facts including, but not limited to, non-standard and unlawful unit awards; claims to operate as a “social justice school” when in reality this sham is used by the administration to obtain free services from students that pay, grants, donations, commercial services and labor.

Cal. Civ. Code 1711: One who practices a deceit with intent to defraud the public, or a particular class of persons, is deemed to have intended to defraud every individual in that class, who is misled by the deceit.

Here, the Defendant's actively recruit students, the vast majority of whom (estimated at > 92%) defendants know will never move beyond their first year due to the challenges of the First Year Law School Exam.

Defendants withhold material information from the students, including the unlawful and unconscionable unit award criteria that fundamentally deprives the student of the statutorily mandated "benefit of the bargain", i.e., express requirements for unit awards.

Ca. Civ. Code § 1712

Defendant Modus Operandi Violates Core Public Policy

Conduct discussed above and below by the Defendants as they failed to disclose material facts, including an unlawful unit awards standards that violates California law and the Cal Bar guidelines regulating the school, lack of compliance with documentation and reporting requirements, and sham processes laden throughout the student handbook that provide great detail but no actual resources are available for their application.

Cal. Civ. Code § 1770

Request(S) For Injunctive Relief

Plaintiff seeks the following:

Preliminary Relief To Preserve The Status Quo

California Code of Civil Procedure ("CCP") §527 governs temporary restraining orders in California.

The rules for ex parte applications, including ex parte TROs, are set out in California Rule of Court ("CRC") 3.1150 and 3.1200–3.1207. The California Code and California Rules of

Court are available at the Law Library in several annotated (includes summaries of cases interpreting the laws) print versions and on the Internet at the California State Legislature's website in unannotated form.

An injunction restraining defendant, its members, agents and any and all confederates from calling or continuing any strike or personal attack against plaintiff, from interfering in any manner, directly or indirectly, with plaintiff's studies or engaging in the business of plaintiff," from causing or permitting its members, officers, or others acting in concert or part with them, including any and all persons, unions, associations, groups or bodies, teachers and/or students from interfering in any manner, directly or indirectly, with the business, good will, name or reputation of plaintiff, from attempting to take any action which may negatively influence and/or impede any efforts to transfer or otherwise resolve academic issues of the plaintiff resulting from the conduct stated in the cause, from attempting to coerce, threaten or intimidate any colleagues or peer students of plaintiff (1) employer or member of plaintiff organizations (2) the California State Bar, association, or to attempt to persuade said employees or members or any of them, to join defendant or any other in non-meritorious cause of action.

Plaintiff requests that defendant is prohibited from carrying on not only unlawful acts to student detriment but even those which, either by statute or otherwise, have come to be recognized as lawful activities but are now suspect due to the Defendants conduct.

As indicated above, PEOPLE'S COLLEGE OF LAW "Board Members" and administrators have acted in hoc modo ultra vires.

The legislative history for section 527.6 states that, under prior law, " 'a victim of harassment [could] bring a tort action based either on invasion of privacy or on intentional infliction of emotional distress. Where great or irreparable injury [was] threatened, such victim [could] obtain an injunction under procedures detailed in [section] 527(a).' " (Smith v. Silvey (1983) 149 Cal.App.3d 400, 405, 197 Cal.Rptr. 15.) In comparison, section 527.6 " 'would establish an expedited procedure for enjoining acts of "harassment," as defined, including the use of temporary restraining orders . [Section 527.6] would make it a misdemeanor to violate the injunction and ... provide[s] for the transmittal of information on the TRO or injunction to law

enforcement agencies. [¶] The purpose of the [statute] is to provide quick relief to harassed persons.' " (Smith, supra , at p. 405, 197 Cal.Rptr. 15.)

Plaintiff petitions here for injunction until final disposition of this matter.

Prohibition Against Encumbering Or Disposition Of Assets

Plaintiff petitions here for injunction until final disposition of this matter the transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, without the written consent of the plaintiff, a court-appointed trustee or an order of the court, except in the usual course of business or for the basic necessities of daily operation.

Plaintiff is the legally authorized Secretary of the Corporation. Even if Plaintiff lawfully ousted, plaintiff claims interests to protect.

Injunctive Relief Requests Strictly Limited To Future Harms.

The quick, injunctive relief provided by section 527.6 "lies only to prevent threatened injury"—that is, future wrongs. (Scripps Health v. Marin (1999) 72 Cal.App.4th 324, 332, 85 Cal.Rptr.2d 86 (Scripps Health).) The injunctive relief is not intended to punish the restrained party for past acts of harassment. (Ibid. ; see Russell v. Douvan (2003) 112 Cal.App.4th 399, 403, 5 Cal.Rptr.3d 137.)

Here, Plaintiff will suffer from not being provided the services that not only have been paid for but were paid for under false pretenses. Plaintiff should not suffer any delays in his studies due to the Defendant's misdeeds; the loss of time and family companionship that repetition entails could not otherwise be remedied by monetary damages.

Plaintiff will also suffer loss of time, money, emotional distress, the advantages to memory that proximity of learning material to the date of examination provides. Given the circumstances here the plea for order and "preservation of the status quo" is both reasonable and justified.

To provide quick relief, "[a] request for the issuance of a temporary restraining order without notice under this section shall be granted or denied on the same day that the petition is submitted to the court." (§ 527.6, subd. (e).) If a request is submitted too late in the day for effective review, the temporary restraining order must be granted or denied the next business day. (Ibid.) Subject to the provisions governing continuances, a hearing on the petition shall be held "[w]ithin 21 days, or, if good cause appears to the court, 25 days from the date that a petition for a temporary order is granted or denied." (§ 527.6, subd. (g) ; see § 527.6, subds. (o), (p) [continuances].)

Here

It is important that the following special circumstances be illuminated for the court; criminal complaint made by petitioner as to the following conduct, attributable specifically to the parties indicated:

Plaintiff's Burden Of Proof Standard Is "Clear And Convincing Evidence."

A " '[b]urden of proof' means the obligation of a party to establish by evidence a requisite degree of belief concerning a fact in the mind of the trier of fact or the court." (Evid. Code, § 115.) "The burden of proof may require a party to ... establish the existence or nonexistence of a fact by a preponderance of the evidence, by clear and convincing proof, or by proof beyond a reasonable doubt." (Ibid.) The standard of proof that applies to a particular determination serves "to instruct the fact finder concerning the degree of confidence our society deems necessary in the correctness of factual conclusions for a particular type of adjudication, to allocate the risk of error between the litigants, and to indicate the relative importance attached to the ultimate decision."

(Conservatorship of Wendland (2001) 26 Cal.4th 519, 546, 110 Cal.Rptr.2d 412, 28 P.3d 151 (Wendland); see also In re Winship (1970) 397 U.S. 358, 369-373, 90 S.Ct. 1068, 25 L.Ed.2d 368 (conc. opn. of Harlan, J.).)

“ Measured by the certainty each demands, the standard of proof known as clear and convincing evidence — which requires proof making the existence of a fact highly

probable — falls between the "more likely than not" standard commonly referred to as a preponderance of the evidence and the more rigorous standard of proof beyond a reasonable doubt.”

Plaintiff further asks that any acts that are clearly designed to shield assets of the corporation for the purposes of evasion be declared *void ab initio* as well.

T.B. v. O.B. (In re O.B.), 9 Cal.5th 989 (Cal. 2020)

T.B. v. O.B. (In re O.B.), 9 Cal.5th 989, 998-99 (Cal. 2020) (“The standard of proof known as clear and convincing evidence demands a degree of certainty greater than that involved with the preponderance standard, but less than what is required by the standard of proof beyond a reasonable doubt. This intermediate standard "requires a finding of high probability." (In re Angelia P. , supra , 28 Cal.3d at p. 919, 171 Cal.Rptr. 637, 623 P.2d 198 ; see also CACI No. 201 ["Certain facts must be proved by clear and convincing evidence This means the party must persuade you that it is highly probable that the fact is true"].) One commentator has explicated, "The precise meaning of ‘clear and convincing proof’ does not lend itself readily to definition. It is, in reality, a question of how strongly the minds of the trier or triers of fact must be convinced that the facts are as contended by the proponent. ... Where clear and convincing proof is required, the proponent must convince the jury or judge, as the case may be, that it is highly probable that the facts which he asserts are true. He must do more than show that the facts are probably true." (Comment, Evidence: Clear and Convincing Proof: Appellate Review (1944) 32 Cal . L.Rev. 74, 75.) ”)

Preliminary Relief To Preserve The Status Quo Not Deterministic Of Prevailing Party

Per Smith v. Thomas, 687 F.2d 113 (5th Cir. 1982), granting of preliminary relief for the purposes of maintaining the status quo rejects “any notion that prevailing party status is indexed by the label of the order . Instead, the answer to the question of who has prevailed is best obtained by focus upon the achievements of the suit's prosecution juxtaposed to its central purpose, at whatever stage of the suit the inquiry is made. A three-judge court of this

circuit, convened in a voting rights case, has plowed similar terrain. We are persuaded by its reasoning:

It is necessary to distinguish between two forms of interim or preliminary relief. On the one hand, interim relief can serve as, or be predicated upon, an adjudication on the merits. Thus, in *Williams v. Alioto*, [625 F.2d 845, 847-8 (9th Cir. 1980), cert denied, [450] U.S. [1012], 101 S.Ct. 1723 [68 L.Ed.2d 213] (1981)], the district court entered a preliminary injunction enjoining certain police investigative procedures. Although defendants never had the opportunity to appeal the injunction because the case was mooted by the investigation's completion, see [450] U.S. [1012], 101 S.Ct. 1723, 68 L.Ed.2d 213 (1981) (dissent by Justices Rehnquist and White to denial of certiorari), the Court of Appeals, in awarding attorney's fees, noted that the district court had found the investigative procedures to be unconstitutional; plaintiffs had obtained a determination on the merits. 625 F.2d at 847-48. On the other hand, interim relief may be no more than a means for a court to mitigate or forestall injury until it can rule on the merits. This distinction was made plain in *Bly v. McLeod*, [605 F.2d 134 (4th Cir. 1979), cert. denied, 445 U.S. 928, 100 S.Ct. 1315, 63 L.Ed.2d 761 (1980)], in which the district court entered a temporary restraining order allowing plaintiffs to vote in a primary election. The case was soon thereafter mooted by legislative amendment. In denying plaintiffs their attorney's fees, the Court of Appeals observed that the TRO "was in no way a determination on the merits," but merely prevented irreparable harm. 605 F.2d at 137.

In *Hanrahan v. Hampton*, 446 U.S. 754, 759, 100 S.Ct. 1987, 1990, 64 L.Ed.2d 670 (1979), the Supreme Court in referring to ". . . determinations [that] may affect the disposition on the merits, but were themselves not matters on which a party could 'prevail' for purposes of shifting his counsel fees to the opposing party under § 1988 . . ." cited *Bly v. McLeod*, 605 F.2d 134, 137 (4th Cir. 1979).

Davis v. City of Ennis, 520 F. Supp. 262, 265-66 (N.D.Tex. 1981).

Perpetual Relief To Prevent Future Harm From Prior Bad Faith Activities

Here, Plaintiff asserts that the court can offer judgments that bestow perpetual relief for this, and any other party, who finds themselves in similar position and circumstance.

To wit, under this category Plaintiff requests the court to:

Void Ab Initio Ultra Vires Acts Of The Board Taken After Plaintiff's Unlawful Treatment And Ousting

- Election violation failure to adhere duties: CPC §5231 Director duty to serve in good faith and best interest of org.
- Hector Pena files or causes to be filed factually incorrect information on or about 12/3/2021.
- **Violation of PC 115 (Felony)**: against the law to publish false info to the Sovereign.
- Board members are duty bound to faithful execution of the Bylaws per CPC §5210, §7210, § 7213, §9210.
- Unlawful acts

Void Ab Initio The Statement Of Information Filed On Or About 12/3/21

Here, on or about 12/3/21, Hector Pena, Prem Sarin, and David Bouffard, along with DOES 1-100, filed a fraudulent Statement of Information with the Secretary of State indicating that Hector was CEO, Prem was Secretary, and David was Treasurer; as iterated supra, no such action was authorized by statute nor Bylaws.

INTENTIONAL WRONGDOING

Generally, intentional wrongdoing is defined as means an act or omission taken or omitted by a Party with knowledge or intent that injury or damage could reasonably be expected to result.

Here, Defendants knew the damage was inevitable and executed policies and performed acts in furtherance of their unlawful conduct. How easy would it have been to simply correct the course unit awards? Why allow that to lead to this cause of action?

It matters not the motive in this case; the conduct outlined throughout this pleader is sufficient to show intentionality.

Plaintiff Has Made Best Effort To Resolve This Matter Amicably

California State Bar (including direct communications with Leah Wilson, the Bar's current Executive Director), Bureau of Post-Secondary Education, the Los Angeles County Sheriff's Department ("LASD") (which issued a search warrant under a matter described infra) and the Department of Justice (informally via AG Matt Rodriguez).

Except for the warrant issued by LASD, all have declined to act based on statutory or interest conflict of interest ("COI") grounds.

Discussion Of Statutory Grant Of Immunity For Non-Profit Directors

Generally, pursuant to the California Corporations Code Article 3, "Standards of Conduct" 5239, directors and officers of non-profit corporations enjoy the privilege of complete and total immunity for their "good faith" activities.

In its response to petitioner jurisdiction, PEOPLE'S COLLEGE OF LAW will likely contend that (1) it enjoys statutory immunity from plaintiff's causes of action; this is not the case.

Unfortunately for the Defendants, common-law and the California Tort Claims Act (CTCA) does not waive immunity for acts conducted in bad faith; and;

Plaintiff's ultra vires claim against PEOPLE'S COLLEGE OF LAW and its Directors and Officers is viable because Plaintiff claims acts, including statutory and/or criminal violations, which by definition fall outside the exercise of the official discretion of any private corporation.

Pennhurst State School Hosp. v. Halderman, 465 U.S. 89, 158-59 (1984) ("The sovereign could not and would not authorize its officers to violate its own law; hence an action against a state officer seeking redress for conduct not permitted by state law is a suit against the officer, not the sovereign. Ex parte Young concluded in as explicit a fashion as possible that unconstitutional action by state officials is not action by the State even if it purports to be authorized by state law, because the Federal Constitution strikes down the state-law shield. In the tort cases, if the plaintiff proves his case, there is by definition no state-law defense to shield the defendant. Similarly, when the state officer violates a state statute, the sovereign has by definition erected no shield against liability. These precedents make clear that there is

no foundation for the contention that the majority embraces — that Ex parte Young authorizes injunctive relief against state officials only on the basis of federal law. To the contrary, Young is as clear as a bell: the Eleventh Amendment does not apply where there is no state-law shield. That simple principle should control this case.”)

DISCUSSION OF STATUTORY GRANT OF IMMUNITY FOR CALIFORNIA STATE BAR

Generally, entities and institutions created and instantiated by sovereign constitutional authority and/or expressed through legislative intent are immune from suit and liability unless express consent is given by the sovereign.

Here, express consent “to sue or be sued by” CALBAR is expressly granted in the plain language of the statute.

WERE THE ACTIVITIES OF THE BOARD ULTRA VIRES?

Ultra Vires Activity is a “question of law.”

Holding that “the definition of an ultra vires act” is a “question of law”.

Acts in Light of the Business Judgement Rule

Wind River contests this determination, claiming that it is inconsistent with the BLM Manual. Even if this claim is accepted at face value, it does not demonstrate an absence of statutory authority vested in BLM. Instead, it merely shows that BLM's exercise of its authority was ill-considered or, at worst, arbitrary and capricious. The authority to determine which areas are roadless clearly belongs to BLM, and Wind River merely challenges how that authority has been exercised. See *Students of the California School for the Blind v. Honig*, 736 F.2d 538, 546 (9th Cir. 1984) (agency charged with defining statutory language does not exceed statutory authority unless definition is not even reasonably related to statute), vacated as moot 471 U.S. 148, 105 S.Ct. 1820, 85 L.Ed.2d 114 (1985).

REGULATORY LANDSCAPE

STATE BAR GUIDELINES

Duty imposed by State Bar Guidelines for Registered Law Schools

Law schools

Rule 4.200 authorizes by law The Committee of Bar Examiners (“the Committee”) is authorized by law to register, oversee, and regulate unaccredited law schools in California.

Rule 4.201 makes explicit that, unless regulated by another professional licensing organization or otherwise exempt, law schools operating in California must register with the Committee and comply with its rules.

(A) A law school conducting business in California must register with the Committee and comply with these rules and other applicable law unless otherwise exempt.

(B) These rules have been approved by the Committee and adopted by the Board of Trustees as part of the Rules of the State Bar of California and may be amended in accordance with State Bar rules.

(C) These rules do not apply to law schools accredited by the Committee, law schools approved by the American Bar Association, paralegal programs, undergraduate legal degree programs, or other legal studies programs that do not lead to a professional degree in law. The appropriate legal entity must approve such programs, even if they are offered by an accredited, approved, or registered law school or an institution of which it is a part.

Rule 4.201 adopted effective January 1, 2008; amended effective January 1, 2012.

PRIVATE POSTSECONDARY EDUCATION ACT

CAL BAR ACT

STATUTE OF LIMITATIONS AND RIPENESS FOR ACTS ULTRA VIRES

We hold that a substantive challenge to an agency decision alleging lack of agency authority may be brought within six years of the agency's application of that decision to the specific challenger. In Wind River's case, its September 1989 filing of a complaint for review was easily within the six-year period. The right to bring a civil suit challenging an agency action accrues "upon the completion of the administrative proceedings."

ACTS ULTRA VIRES FALL OUTSIDE THE MANTLE OF IMMUNITY

"Because governmental immunity extends 'as far as the state's [immunity] but no further,' no immunity exists for acts performed in a proprietary, non-governmental capacity." Rosenberg Dev., 571 S.W.3d at 746–47 (quoting Wasson, 489 S.W.3d at 433–34).

"Like ultra vires acts, acts performed as part of a city's proprietary function do not implicate the state's immunity for the simple reason that they are not performed under the authority, or for the benefit, of the sovereign." Wasson, 489 S.W.3d at 434.

By implementing policies that allow those Directors and Officers under its authority to operate unlawfully, in essence allowing predation to occur in broad daylight while they look on from a distance, is to set policy in direct conflict to their mandate for no justifiable or necessary purpose.

ULTRA VIRES ACTS NULL TO RATIFICATION

NO RATIONAL AND LAWFUL PURPOSE

There is no rational and lawfully justifiable purpose in violating statute and duty that sets units awards to unit hours or requires that an accounting be presented upon the request of corporate officers.

**SOVEREIGN DOES NOT ISSUE PRIVILEGE TO DISOBEY AND NOT CONFORM
ONE'S CONDUCT TO THE LAW TO ANYONE, NOT EVEN TO ITS OWN AGENTS**

, sovereign does not grant to persons, corporate or otherwise, the privilege o corporate

Therefore, the circumstances here clearly support a determination of ultra vires action.

BAD FAITH ACTIVITY VOIDS IMMUNITY

Plaintiff asserts that the nature of the activities here are inherently considered bad faith and demonstrative of “moral turpitude” as discussed above and below.

Attorney Violations Of Law Presumptively Bad Faith

Defendants “Unclean Hands”

Here, Defendants have willfully failed to answer a duly issued “Demand for Documents”, as well as earlier inquiries related to the presentation of books and effects.

PLAINTIFF BRINGS VIABLE ULTRA VIRES CLAIM AGAINST ENTITY AND PERSONNEL

“The term ultra vires is most commonly used to refer to acts that are beyond the scope of a corporation’s purposes, as set forth in their articles of incorporation or bylaws. However, the term also has a broader meaning, implicating all actions that are ‘performed without any authority to act on the subject.’”

See Parramore v. Tru-Pak Moving Sys., 286 F. Supp. 2d 643, 650 (M.D.N.C2003) (quoting Black’s Law Dictionary 1522 (6th ed. 1990))

The Plaintiff does not allege only facts demonstrating acts within the officer’s legal authority and discretion; quite to the contrary, the claim states acts that fall far outside the principles of “good faith and fair dealing “and are thus statutorily anathema to immunity in this context.

To determine if a plaintiff has pleaded a viable ultra vires action, the court must construe relevant statutory provisions that define the scope of the governmental body’s legal authority, apply those statutes to the facts as pleaded by the plaintiff, and ascertain whether those facts constitute acts beyond the agency’s legal authority. City of New Braunfels v. Tovar, 463 S.W.3d 913, 919 (Tex. App.—Austin 2015, no pet.).

When, as here, the plea to the jurisdiction challenges the sufficiency of the pleadings rather than the existence of any of the jurisdictional facts alleged by the plaintiff, the court should make the jurisdictional determination as a matter of law based solely on the facts alleged by the plaintiff, which are taken as true and construed liberally in favor of jurisdiction. *Prewett v. Canyon Lake Island Prop. Owners Ass'n*, No. 03-18-00665-CV, 2019 WL 6974993, at *1 (Tex. App.—Austin Dec. 20, 2019, no pet.) (mem. op.) (citing *Miranda*, 133 S.W.3d at 225, 227).

DEFENDANTS OFFER NO DENIALS NOR ACTS IN MITIGATION

For more than 200 days, no defendant has substantively publicated a denial or rebuttal to the facts asserted by plaintiff in his numerous email and/or telephonic communications.

NO POWER TO ACT WITHOUT STATUTORY OR BYLAWS AUTHORITY GRANT

California Business and Professions Code is clear that, unless exigent circumstances exist necessitating the performance of duty by an individual officer, the Board is “subject” to the Bylaws, and must follow them faithfully or amend them in accord with statute and/or the Bylaws themselves.

Here, the Directors and Officers of the Corporation have “invalidated” a valid election result, unlawfully since the required process was not even attempted, then, without asking for nor obtaining written resignations as required by the Bylaws in the case that the election was fairly and faithfully held. Plaintiff submits correspondence in demonstration.

FRAUD AND MISREPRESENTATION

Fraud encompasses a broad range of human behavior, including " ' * * * anything calculated to deceive, * * * whether it be by direct falsehood or by innuendo, by speech or by silence, by word of mouth or by look or gesture. ' " (Regenold v. Baby Fold, Inc.(1977), 68 Ill.2d 419, 435, 12 Ill.Dec. 151, 369 N.E.2d 858, citing People ex rel.Chicago Bar Association v. Gilmore (1931), 345 Ill. 28, 46, 177 N.E. 710; In re Alschuler (1944), 388 Ill. 492, 503-04; Black's Law Dictionary 594 (5th ed. 1979).)

FRAUD INCLUDES SUPPRESSION OF THE TRUTH

Courts have previously disciplined lawyers even though their fraudulent misconduct did not harm [99 Ill.2d 252] any particular individual. In re Lamberis (1982), 93 Ill.2d222, 229, 66 Ill.Dec. 623, 443 N.E.2d 549." "The Court has broadly defined fraud as any conduct calculated to deceive, whether it be by direct falsehood or by innuendo, by speech or silence, by word of mouth, by look, or by gesture. Fraud includes the suppression of the truth, as well as the presentation of false information.

In re Frederick Edward Strufe, Disciplinary case no. 93 SH 100 where the Court stated that "Fraud has been broadly defined as anything calculated to deceive, "It is clear and well-established Illinois law that any attempt by any officer of the court, whether attorney or judge, to deceive is considered fraud, and when the attempt to deceive occurs in a judicial proceeding, it is "fraud upon the court".

Here, Defendants sought to prevent Plaintiff from understanding that what initially appeared "innocent error" was in fact a concerted effort to preserve the "unfair and unlawful" practices prevalent.

ULTRA VIRES ACTION IMPLIES BAD FAITH

The term 'bad faith' implies that the actor 'intentionally committed acts which [s]he knew or should have known were beyond h[er] lawful power.' (Citation.) As so used, 'bad faith' entails actual malice as the motivation for [...] acting ultra vires. The requisite intent must exceed mere volition; negligence alone, if not so gross as to call its genuineness into question, falls short of 'bad faith.' 'Bad faith' also encompasses acts within the lawful power of a judge which nevertheless are committed for a corrupt purpose, i.e., for any purpose other than the faithful discharge of judicial duties. In sum, 'bad faith' is quintessentially a concept of

specific intent, requiring consciousness of purpose as an antecedent to a judge's acting maliciously or corruptly.'

Spruance v. Commission on Judicial Qualifications, supra , 13 Cal.3d 778, 795--796, 119 Cal.Rptr. 841, 853, 532 P.2d 1209, 1221.)

The foregoing record compels the conclusion in the instant case that Defendant's primary concerns were first to stop Plaintiff's inquiries and inflict "punishment" before Plaintiff could be afforded a due process determination that no moneys were owed and that the school is and was in a state of non-compliance, a material fact potentially impacting transfers as well as admissions to other schools to pursue alternate programs. such that it is questionable under what circumstances punishment was warranted and, second, to accomplish her objectives in a manner to ensure that such conduct would be insulated from judicial review and collateral attack.

CIRCUMSTANCES PREDETERMINE CAUSE TO ISSUE REMEDY AND RULE AGAINST DEFENDANT

Making false statements of law, by falsely attributing statements by an author is engaging in bad faith, willful misconduct due to intentional disregard of the law, and as demonstrated in this pleading weighs heavy against the defendant.

VERIFIED STATEMENT OF DISQUALIFICATION UNDER THE AUTHORIZATION OF SECTION 170.3 OF THE CODE OF CIVIL PROCEDURE OF THE STATE OF CALIFORNIA.

BOARD MEMBERS AID AND ABET THE CONTINUANCE OF CRIMINAL HARASSMENT

CIVIL HARASSEMENT

Here, retaliation is the act of using official resources to unduly influence, "punish", or otherwise coerce students into comportment with the school administration's desired behavior.

"As noted, some cases suggest that a plaintiff also must plead specific intent to facilitate the underlying tort. We need not decide whether specific intent is a required element because, read liberally, the fifth amended complaint alleges that[defendant] intended to assist the

Association in breaching its fiduciary duties. In particular, plaintiffs allege that, with knowledge of the Association's breaches,[defendant] 'gave substantial encouragement and assistance to [the Association]to breach its fiduciary duties.' Fairly read, that allegation indicates intent to participate in tortious activity." (Nasrawi, supra, 231 Cal.App.4th at p. 345,original italics, internal citations omitted.)

CONSPIRACY

Here, Plaintiff has clearly alleged concerted action amongst the Defendants. Unlawful conduct agreed upon by more than the number of individuals required to carry out the tortious and/or crime is Conspiracy.


Plaintiff asserts that communications between the parties, as well as the coordinated conduct makes plain conspiracy in this case.

"[W]e consider whether the complaint states a claim based upon 'concert of action' among defendants. The elements of this doctrine are prescribed in section 876 of the Restatement Second of Torts. The section provides, 'For harm resulting to a third person from the tortious conduct of another, one is subject to liability if he (a) does a tortious act in concert with the other or pursuant to a common design with him, or (b) knows that the other's conduct constitutes a breach of duty and gives substantial assistance or encouragement to the other so to conduct himself, or (c) gives substantial assistance to the other in accomplishing a tortious result and his own conduct, separately considered, constitutes a breach of duty to the third person.' With respect to this doctrine, Prosser states that 'those who, in pursuance of a common plan or design to commit a tortious act, actively take part in it, or further it by cooperation or request, or who lend aid or encouragement to the wrongdoer, or ratify and adopt this acts done for their benefit, are equally liable with him. [para.] Express agreement is not necessary, and all that is required is that there be a tacit understanding . . . ' " (Sindell v. Abbott Laboratories (1980) 26 Cal.3d 588, 604[163 Cal.Rptr. 132, 607 P.2d 924], internal citations omitted.

BOARD MEMBERS HAD DUTY TO PREVENT TORTIOUS ACT

While plaintiff acknowledges that it is well established that ‘Mere knowledge that a tort is being committed and the failure to prevent it does not constitute aiding and abetting. “As a general rule, one owes no duty to control the conduct of another . . .” (Austin B. v. Escondido Union School Dist. (2007) 149 Cal.App.4th 860, 879 [57 Cal.Rptr.3d 454], internal citations omitted.)

Here, corporate “officers” including Hector Pena, David Bouffard, and Prem Sarin have filed (or caused to be filed) false statements to the state of California (see SOI’s filed), made intentional misstatements and representations of law (specifically licensed attorney’s and former Dean Ira Spiro and former College President Christina Gonzalez)



Signed by Todd Hui
As witness 4/1/22
In good faith and
under penalty
of perjury.